

REMARKS

Reexamination and reconsideration of the claims 1-11, 13-18, 20-24, 28-31, 33-35, 37, and 39-42 is respectfully requested. Applicants appreciate and acknowledge the recognition of allowable subject matter in dependent claims 12, 19, 25-27, 32, 36, and 38.

Claims 1, 10, 13-15, 23, 28, 29, and 39 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 4,763,983 (the '983 patent) without a teaching reference. For a patent to be applicable under sec. 103(a), the teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the teachings must be present.

It is respectfully submitted that a *prima facie* case of obviousness is lacking because the '983 patent does not teach, disclose, or otherwise suggest each and every feature of independent claims 1, 15, or 29. Specifically, claim 1 recites, *inter alia*, the dry insert comprising a tape and at least one filament attached to the tape so that the at least one filament forms a plurality of loops. Claim 15 recites, *inter alia*, the dry insert comprising a tape and at least one filament attached to the tape, thereby forming a plurality of loops with either the tape or the at least one filament having a water-swellable component. Claim 29 recites, *inter alia*, the dry insert comprising a tape and at least one filament attached to the tape to form a plurality of loops, wherein the dry insert and the at least one optical waveguide form a core.

On the other hand, the '983 patent does not teach, disclose or otherwise, suggest that the filaments are attached to the tape or other features. Specifically, at Col. 2, ll. 38-49 of the '983 patent states:

Cable 10 can be seen to consist of a conventional tight buffer layered cable construction, although other

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conventional constructions such as loose tube construction may be utilized. As illustrated in FIG. 1, the tight buffer layered cable comprises a fiber reinforced plastic central member 12 surrounded by nylon-coated optical fibers 14. In order to cushion optical fibers 14, a soft fibrillated polypropylene yarn layer 16 is provided around optical fibers 14. For better containment and protection of optical fibers 14, a rubber tape 18 is wrapped over cushion yarn layer 16. Finally, rubber tape 18 is covered by a polyethylene jacket 20.

For at least the reasons stated, withdrawal of the sec. 103(a) rejection of claims 1, 10, 13-15, 23, 28, 29, and 39 is warranted and respectfully requested.

Claims 2, 4, and 6 were rejected under 35 U.S.C. sec. 103(a) applying the '983 patent in view of U.S. Pat. No. 5,621,841 (the '841 patent). For at least the reasons stated above with respect to claim 1, a prima facie case of obviousness is lacking with respect to claims 2, 4, and 6. Thus, the withdrawal of the sec. 103(a) rejection of claims 2, 4, and 6 is warranted and respectfully requested.

Claims 3, 5, 7, 8, 9, 11, 16, 17, 20, 21, 22, 30, 33, 34, and 37 were rejected under 35 U.S.C. sec. 103(a) applying the '983 patent without a teaching reference. For at least the reasons stated above with respect to independent claims 1, 15, and 29 a prima facie case of obviousness is lacking with respect to claims 3, 5, 7, 8, 9, 11, 16, 17, 20, 21, 22, 30, 33, 34, and 37. Thus, the withdrawal of the sec. 103(a) rejection of claims 3, 5, 7, 8, 9, 11, 16, 17, 20, 21, 22, 30, 33, 34, and 37 is warranted and respectfully requested.

Claims 18, 24, 31, and 35 were rejected under 35 U.S.C. sec. 103(a) applying the '983 patent in view of U.S. Pat. No. 4,815,813 (the '813 patent). For at least the reasons stated above with respect to independent claims 15 and 29, a prima facie case of obviousness is lacking with respect to claims 18, 24, 31, and 35. Thus, the withdrawal of the sec. 103(a) rejection of

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claims 18, 24, 31, 35, and 37 is warranted and respectfully requested.

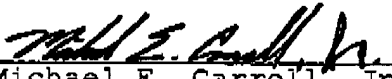
Claims 40-42 were rejected under 35 U.S.C. sec. 103(a) applying the '983 patent without a teaching reference. For at least the reasons stated above with respect to the '983 patent, a prima facie case of obviousness is lacking with respect to claims 40-42. Thus, the withdrawal of the sec. 103(a) rejection of claims 40-42 is warranted and respectfully requested.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

  
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